

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73757

Willhellmina N. Smith

3662 Hilmar Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 28, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 1B01.1, 428, failure to cease illegal parking/storage of an unlicensed vehicle on residential property zoned DR 5.5 known as 3662 Hilmar Road, 21244.

On April 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Donte Lee Smith, son of the owner and, Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 5, 2010 for removal of untagged/inoperative motor vehicles from this residential property. This Citation was issued on April 6, 2010.

B. Inspector Paul Cohen testified that his initial inspection found two untagged vehicles on the property. Re-inspection on April 6, 2010 found one untagged vehicle, and the Citation was issued. Re-inspection on April 27, 2010 found the untagged blue vehicle still outside on the property.

C. Donte Lee Smith, son of Respondent, testified that he lost his job and hasn't been able to find employment. The vehicle needs repairs and licensing. He requested additional time to comply, and accepted referral to the County's Office of Workforce Development.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violation is corrected by June 21, 2010.

IT IS FURTHER ORDERED that after June 21, 2010, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.